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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rodney G. Johnson Examiner: Unknown
Serial No. 10/663,436 Group Art Unit: 2653
Filed: September 15, 2003 Docket No. PA0891.ap.US
Title: SHUFFLING APPARATUS AND METHOD

MAIL STOP DD

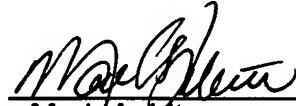
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The following documents are being submitted:

- ☒ Information Disclosure Statement (4 pages)
- ☒ Form 1449
- ☒ Copies of 2 references
- ☒ CD labeled "Shuffler Art"
- ☒ DVD Labeled "Luciano Decl. Ex. K"
- ☒ DVD Labeled "Solberg Decl. Ex. C"
- ☒ DVD Labeled "Morrill Decl. Ex. A"
- ☒ DVD Labeled "Exhibit 1"
- ☒ Transmittal Sheet
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers if an additional extension of time is deemed necessary by the Office. Authorization is hereby given to charge Deposit Account Number 50-1391 if such additional extension is necessary.

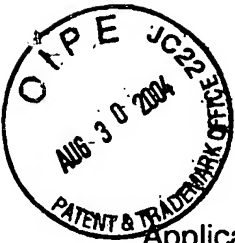
MARK A. LITMAN & ASSOCIATES, P.A.
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Edina, MN 55435 (952-832-9090)

By: 
Atty: Mark A. Litman
Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop DD, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on August 27, 2004.

Mark A. Litman
Name


Signature



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Rodney G. Johnson	Examiner:	Unknown
Serial No.	10/663,436	Group Art Unit:	2653
Filed:	September 15, 2003	Docket No.	PA0891.ap.US
Title:	SHUFFLING APPARATUS AND METHOD		

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97(b) or (c)**

MAIL STOP DD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant(s) respectfully submit(s) the items of information on the enclosed Form 1449 for the attention of the Examiner in the above-identified application.

This statement should be considered because it is either filed before the mailing date of the first Office Action on the merits or it is submitted after the mailing date of the first Office Action on the merits but before the mailing date of a final Office Action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311. No fee is due since this statement is submitted either before the mailing date of the first Office Action on the merits or is certified under 37 C.F.R. §1.97(e)(1) or (2) by the undersigned.

Certification Under 37 C.F.R. §1.97(e)

In accordance with 37 C.F.R. §1.97(c)(1), the undersigned hereby certifies that this statement is submitted wherein each item of information listed on the enclosed Form 1449 was cited in a communication from a foreign patent office in a counter part foreign application not more than three months prior to the filing of the information disclosure statement.

A copy of each document or other information listed on the enclosed Form 1449 is enclosed in accordance with 37 C.F.R. §1.98(a)(2) and/or a copy of each document is not provided because it was previously cited by or submitted to the U.S. Patent and

Trademark Office in a parent application in accordance with
37 C.F.R. §.1.98(d).

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§102 and 103. In addition, Applicant(s) do(es) not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended, and reserve the right to establish otherwise under 37 C.F.R. §1.131 or others.

Consideration of the items listed is respectfully requested. According to M.P.E.P. §609, Applicant(s) request(s) that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Authorization is hereby given to charge any additional fees or credit any overpayments that may be deemed necessary to Deposit Account Number 50-1391.

SPECIAL NOTICE

The materials provided herewith include information that either came to the attention of counsel for applicants or was recently created during litigation involving patents assigned to the assignee of this application. Certain of these submissions are in a form that is not printed as they are incapable of being printed (e.g., the DVD's of interviews).

Many of these materials were crafted by counsel in litigation against Shuffle Master, Inc. with a studied intent at showing that information was available in references and devices that could raise an issue regarding the validity of the Shuffle Master, Inc. Patents. The tone of the content of such materials can therefore be expected to be antagonistic.

Applicants cannot confirm dates that are specifically mentioned in the documents and note that there are some disagreements among the authors of the documents about certain dates, even where the authors were both witnesses for defendants against Shuffle Master, Inc. It is further to be noted that because of claims to priority in the Shuffle Master, Inc. patents, whatever the import of content in these submitted materials, the dates of publication, availability, knowledge or use (under the standards of 35 USC 102(a-g)) may or may not make that content unavailable as a reference against some or all claims in this and other Patent Applications and Patents.

It is to be further noted that some of the materials describe the development of devices and prototypes over the course of years, during which changes were made in the design of the described devices and prototypes. Time reference to the inclusion of changes and the actual date on which those changes became available as prior art may well be difficult to confirm by reading of the materials, even though these materials are the best information available to Applicants.


In at least one declaration (Declaration of Pfeiffer), information within the declaration relates to information to which the declarant asserted confidentiality. There

is an unresolved legal question as to whether that information (specifically the operation of the prototype) would be available as a reference because of 35 USC 102(g). This material might or might not be material to patentability, even if publicly available, which Applicants believe it is not because of the continued claim of Pfeiffer that the material is confidential.

Respectfully submitted,
RODNEY G. JOHNSON
By His Representatives,

MARK A. LITMAN & ASSOCIATES, P.A.
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3209 West 76th Street
Edina, Minnesota 55435
(952) 832-9090

Date: AUGUST 27, 2004

By: 
Mark A. Litman
Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop DD, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on August 27, 2004.

Mark A. Litman
Name


Signature



Serial Number
10/663,436

Filing Date
Sept. 15, 2003

Group Art Unit
2653

**EXAMINER
INITIALS**

REF

DOCUMENT NUMBER

DATE _____

NAME _____

CLASS

SUB-CLASS

FILING DATE
(IF APPROPRIATE)

**EXAMINER
INITIALS**

REF

DOCUMENT NUMBER

DATE _____

COUNTRY

CLASS

SUB-CLASS

TRANSLATION

YES

NO

CD Labeled "Shuffler Art." Attached to this 1449 is a spread sheet having the names of the individual files within the CD. There is a self-executing function on the CD so that, upon entering the Spread Sheet of content, individual items may be opened directly from the spread sheet according to the title of the document.

DVD Labeled "Luciano Decl. Ex. K." This is the videotaped live declaration of Mr. Luciano (see list of patents on the 1449 or of record in the file history) taken during preparation of litigation.

DVD labeled "Solberg Decl. Ex. C." This is the videotaped live declaration of Mr. Solberg, a witness for the defense, taken during preparation for litigation.

DVD labeled "Morrill Decl. Ex. A." This is the videotaped live declaration of Mr. Robert Morrill, a lead trial counsel for the defense, taken during preparation for litigation. He is describing the operation of Roblejo Prototype device. See Roblejo patent in 1449 or of record.

DVD labeled Exhibit 1. This is a DVD taken by Shuffle Mater personnel of the live operation of a CARD One-Two-Six™ shuffler.

Specification of Australian Patent Application No.: 31577/95, filed 17 January 1995, Applicants Rodney G. Johnson, et al., Title: Card Handling Apparatus.

Specification of Australian Patent Application No.: not listed, filed August 15, 1994, Applicants Rodney G. Johnson, et al., Title: Card Handling Apparatus.

Date Considered:

Tab	Document
1	Docket for CARD, LLC v. Shuffle Master, Inc., Case No. CV-N-03-0244-ECR-(RAM)
2	Shuffle Master's Motion for Preliminary Injunction
3	Declaration of Attila Grauzer In Support of Shuffle Master's Motion For Preliminary Injunction
4	CARD, LLC's Responses to Shuffle Master's Interrogatories 1-6
5	CARD, LLC and CARD-Austria's Opposition to Shuffle Master's Motion for Preliminary Injunction
6	Declaration of Joel S. Greenberg in Opposition to Shuffle Master's Motion for Preliminary Injunction
7	Declaration of Arthur M. Pfeiffer in Opposition to Shuffle Master's Motion for Preliminary Injunction
8	Declaration of Steven Gola in Opposition to Shuffle Master's Motion for Preliminary Injunction
9	Declaration of Lawrence Luciano in Opposition to Shuffle Master's Motion for Preliminary Injunction
10	Declaration of Attila Grauzer in Support of Shuffle Master's Reply Brief in Support of Its Motion for Preliminary Injunction
11	Declaration of Nick Farley in Support of Shuffle Master's Reply Brief in Support of its Motion for Preliminary Injunction
12	CARD, LLC and CARD-Austria's Motion for Leave to File a Sur-Reply in Opposition to Shuffle Master's Motion for Preliminary Injunction; Sur-Reply
13	Supplemental Declaration of Joel S. Greenberg in Opposition to Shuffle Master's Motion for Preliminary Injunction
14	CARD-Austria's Motion for Leave to Amend Its Answer and Compulsory Counterclaim
15	Second Supplemental Declaration of Joel S. Greenberg in Opposition to Shuffle Master's Motion for Preliminary Injunction
16	Shuffle Master's Supplemental Evidence Responding to Sur-Reply of CARD, Submitted at the December 4, 2003 Hearing on Shuffle Master's Motion for Preliminary Injunction
17	Transcript from December 8, 2003 (Decision of the Court)
18	Order Granting Preliminary Injunction
19	CARD, LLC and Card-Austria's Notice of Motion and Motion for Reconsideration of the Order Granting a Preliminary Injunction [Docket No. 153]; <u>Redacted Version</u>
20	Declaration of Hal Solberg in Support of CARD, LLC and Card-Austria's Notice of Motion and Motion for Reconsideration of the Order Granting a Preliminary Injunction
21	Declaration of Robert B. Morrill in Support of CARD's Motion [Docket No. 160] to Stay the Injunction [Docket No. 153] Pending Review
22	Declaration of Hal Solberg in Support of CARD, LLC and Card-Austria's Motion to Stay the Injunction Pending Review [Docket No. 160] and Motion for Reconsideration of the Order Granting a Preliminary Injunction [Docket No. 162]
23	Declaration of Nick Farley in Support of Shuffle Master, Inc.'s Opposition to CARD, LLC's and Card-Austria's Motion for Reconsideration of the Order Granting a Preliminary Injunction
24	Non-Confidential Declaration of Eric R. Lamison in Support of Shuffle Master, Inc.'s Opposition to CARD, LLC's and Card-Austria's Motion for Reconsideration of the Order Granting a Preliminary Injunction
25	CARD, LLC and CARD-Austria's Notice of Motion and Motion for Leave to Amend Their Pleadings to Add Allegations of Inequitable Conduct



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26	Declaration of Robert B. Morrill in Support of CARD, LLC and CARD-Austria's Motion for Leave to Amend Their Pleadings to Add Allegations of Inequitable Conduct
27	Stipulation and Order of Dismissal Under Federal Rule of Civil Procedure 41(a)(1)
28	Deposition of Joel Greenberg
29	Deposition of Nick Farley
30	Deposition of Hal Solberg